continuance the lease had terminated and been renewed at a reduced rental because of the nuisance.

PARTNERSHIP—TRADE-MARKS AND TRADE NAMES—RIGHTS OF RETIRING PARTNER.—WHITE V. TROWBRIDGE, 64 ATL. 862 (PA.).—A retiring partner disposed of all his rights and property in the firm, but entered into no contract restricting him from prosecuting a similar competing business. *Held,* that he is not deprived of the right to use his own name in connection with such competing business, from the fact that his surname is a portion of the trade-mark used by the firm of which he was formerly a member.

A person has the right to the honest use of his own name, even to the infringement of a trade-mark. *Derringer v. Plate,* 29 Cal. 293; *Schier v. Johnson,* 111 Mass. 238. However, an assignment by a retiring partner of all his stock, property and effects carries the right to use his personal name when it has become a trade name. *Hoxie v. Chaney,* 143 Mass. 592. And it follows that the firm is entitled to protection in the use of such name. *Myers v. Buggy Co.,* 54 Mich. 215. In some cases this doctrine has been extended and *Le Page v. Russia Cement Co.,* 51 Fed. 941, holds that, when an individual's name has become a trade name belonging to another person, the right to use his name in connection with an article, even to state that it is manufactured by him, must be denied to a person who has previously disposed of his interest in the business. The better rule, however, would seem to be that, when a person has in any way acquired a right to a trade name, another person is only precluded from using his own name in such a way as to confuse his business with that of the original firm. *Walter Baker & Co. v. Baker,* 87 Fed. 209; *Gage v. Pub. Co.,* 10 Ont. App. 402.

RAILROADS—NEGLIGENT OPERATION—NUISANCE.—COLGATE V. N. Y. CENT. RY. CO., 100 N. Y. SUPP. 650.—*Held,* where a railroad company so negligently operated its road as to permit unnecessary whistling and bell ringing in the residential section of a town, such acts constituted a private nuisance to an abutting land owner.

An action will not lie for mere consequential injuries caused by the proper and careful operation of a railroad. *Beseman v. Penn. Ry. Co.,* 50 N. J. Law 235; *Struthers v. Dunkirk W. & P. Ry. Co.,* 87 Pa. 282. But whistling and bell ringing as allowed by the legislature, are not signals for the convenience of its employees, and if used as such and thereby the public is unnecessarily disturbed, they constitute a legal nuisance. *Presbrey v. Railway Co.,* 103 Mass. 1; *Williams v. N. Y. Cent. Ry. Co.,* 16 N. Y. 97. What may be unobjectionable in a legal sense, in one locality may be a legal nuisance in another. *First Baptist Church v. Utica & S. R. Co.,* 6 Barb. 373; *Rodenbransen v. Craven,* 141 Pa. 546. The weight of authority in the United States is that, to constitute a nuisance, the acts must be such as to materially interfere with the comfort of an ordinary, reasonable person in the vicinity, *Sparhawk v. Railway Co.,* 54 Pa. 401; *Westcott v. Middleton,* 43 N. J. Eq. 478; and not merely to incommode a sick person. *Rogers v. Elliott,* 146 Mass. 349; *Fay v. Whitman,* 100 Mass. 76. And it is no defense that all the other persons in that locality are injured in the same way. *Wesson v. Washburn Iron Co.,* 13 Allen, 95.

RELIGIOUS SOCIETIES—TITLE TO PROPERTY—MATERIALITY.—LEE V. METHODIST EPISCOPAL CHURCH IN V. S., 78 N. E. 646 (MASS.).—A grantor con-